Remarks/Arguments

The Office Action mailed January 30, 2008 has been reviewed and carefully considered.

Claims1-14 remain pending in this application. .

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1, 5-8 and 13-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Aaltonen et al (USP 7,236,771) in view of Sibley (US 2001/0053700).

Applicant's independent claim 1 as originally submitted recites, *inter alia*, "...broadcasting the video on a video channel having an RF carrier frequency different from a carrier frequency of a data channel over which data is transmitted;...".

Applicant's independent claim 7 as originally submitted recites, *inter alia*, "...a video broadcast network for broadcasting the video from the encoder on a video channel having a frequency different from a data channel over which data is broadcast while maintaining the video channel in a broadcast-only mode...."

In rejecting these independent claims, the Examiner has pointed to Figure 2 of Aaltonen et al showing a broadcast channel 120. However, this channel 120 is not different from the data channel that transmits data.

Aaltonen et al. shows a terrestrial digital video broadcast network 1 having a plurality of transmitters 11a, 11b, 11c. A user equipped with a suitable Digital Receiver (terminal 3) can receive data broadcast by the network 1 from a transmitter 11 forming part of the network 1. The data broadcast by the transmitter 11 is derived from a variety of sources 13, 15 via gateways 17, 19... (See Col 3, lines 38-46). From this passage of Aaltonen et al., it is obvious that the broadcast channel 120 shown in figure 2 and emanating from a transmitter 11 within the DVB 1 is clearly not a dedicated Video channel. In fact Aaltonen et al. clearly

teaches to the contrary. The return channel 23 is used for connecting to the subscriber management system 22 within the DVB 1. There is no data transmission on this channel to the mobile device 3, thus clearly teaching that the transmitters 11 transmit both video and data on the same carrier frequency to the mobile device.

The Sibley published patent application US 2001/0053700 concerns a system for distributing electronic content. Like Aaltonen et al. patent, the Sibley published application does not recite applicants' feature of broadcasting the video on a video channel having an RF carrier frequency different from a carrier frequency of a data channel over which data is transmitted. Given that neither the Aaltonen et al. patent, nor the Sibley published application teaches this feature of applicants' claims, the combination would not teach each and every feature of applicants claims 1 and 7 and the claims that depend therefrom . Reconsideration and withdrawal of the rejection is respectfully requested.

With respect to independent claim 13, Aalotonen et al. neither discloses, nor remotely suggests the concept of "initiating selection of a video local area network upon user activation of the device", and/or the "detecting transmission of the video broadcast from the video LAN without trying to uplink traffic to the video LAN". In fact, Aaltonen et al fails to disclose the concept of a video LAN at all.

The PLMN 27 network, although shown external from the DVB 1, is clearly part of the same. Please see Col. 4, lines 1-5 where Aaltonen et al. states "The MS 12 which is connected to the terminal 3 establishes a connection over a telecommunications network 27 such as PLMN and/or PSTN 27 to a subscriber management system (SMS) 29 (shown externally of network 1 for clarity only) of the DVB-T network 1)." Referring to Figure 1, the SMS is clearly within the network 1, and as such, the PLMN is the part "shown externally of network 1 for clarity only".

Furthermore, there is no teaching in Aaltonen that the mobile device can detect transmission of a video broadcast "without trying to uplink traffic to the video LAN". In view

of the fact that there is no video LAN remotely suggested by Aaltonen et al., it would be impossible for Aaltonen et al. to disclose or suggest this feature of applicant's claimed invention. Like the Aaltonen et al patent, the Sibley published application fails to teach a video LAN. Given that neither the Aaltonen et al. patent, nor the Sibley published application teaches this feature of applicants' claims, the combination would not teach each and every feature of applicants claim 13 and claim 14 that depends therefrom. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2-4, 9-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Aaltonen et al (USP 7,236,771) in view of Sibley (US 2001/0053700) in further view of Benveniste (US 2003/0174690).

Claims 2-6, 8-12 and 14 are dependent on claims 1, 7 and 13, respectively. As such, they are believed to be patentable for at least the reasons cited above with respect to their corresponding independent claims. In this regard, the Benveniste published application does not contain the missing teachings of Aaltonen et al. as discussed above with respect to independent claims 1, 7 and 13.

Conclusion

In view of the foregoing amendments to the claims and the accompany remarks, applicants solicit entry of this amendment and allowance of the claims. If, however, the Examiner believes such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6820, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Serial No: 10/564,253
Art Unit 2618

Docket No. PU030043
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No additional fees are believed to be due. Please charge any additional fee or credit any overpayment to deposit account **07-0832**

Respectfully submitted,
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